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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

GAIL C. TRABISH, ESQ. (#103482)
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Attorneys for Defendant
TARGET STORES, a division
of Target Corporation, erroneously
sued herein as Target Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MEJ

NORMA A. GODOY,
Plaintiff,

vs.

TARGET CORPORATION, et al.,
Defendants.

C 07 4672

Case No.

[Marin County Superior Court Case No.:
CV 073570]

**PETITION FOR REMOVAL OF
ACTION PURSUANT TO 28 U.S.C.
§1441(b) [DIVERSITY]**

Complaint Filed: July 30, 2007

TO THE CLERK OF THE ABOVE ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant TARGET STORES, a division of Target Corporation (hereinafter "Target"), erroneously sued herein as Target Corporation, hereby moves to this Court the state court action described below.

I. JURISDICTION

1. Defendant TARGET is informed and believes that plaintiff Norma A. Godoy is a citizen of the State of California, and was at the time of the filing of the complaint and this Petition for Removal.

2. Defendant TARGET is a Minnesota corporation, whose principal place of business is in Roseville, Minnesota.

1 3. TARGET is a publicly held corporation whose Chairman and Chief Executive
2 Officer is Bob Ulrich.

3 4. Defendant TARGET is not a citizen of the state in which this action is pending.

4 5. Defendant TARGET believes that the remaining defendants are not citizens of the
5 state in which this action is pending.

6 6. The matter in controversy exceeds the sum of \$75,000, exclusive of interest,
7 attorney's fees and costs.

8 8. The Court has jurisdiction by virtue of 28 U.S.C. §1332 and 28 U.S.C. §1441(b).

9
10 **II. GROUNDS FOR REMOVAL**

11 7. On July 30, 2007, a civil action was commenced in the Marin County Superior
12 Court, Unlimited Jurisdiction, of the State of California, entitled *Norma A. Godoy v. Target*
13 *Corporation and Does 1-100, inclusive*, Action No. CV 073570. In said complaint, plaintiff
14 alleges damages arising out of a slip and fall accident at the Target store located in Novato,
15 California. A true and correct copy of the summons and complaint is attached hereto and marked
16 as **Exhibit A**.

17
18 8. Defendant TARGET was served with a copy of said Complaint on August 10,
19 2007. A true and correct copy of the Proof of Service is attached hereto and marked as **Exhibit B**.

20 9. Defendant TARGET has not yet filed an answer to plaintiff's unverified complaint.

21 10. This Court has original jurisdiction of this action pursuant to 28 U.S.C. §1332, and
22 the complaint is one which may be removed to this Court by Defendant TARGET pursuant to the
23 provisions of 28 U.S.C. §1441(b) in that it is a civil action between citizens of different states, and
24 the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

25 ///

26 ///

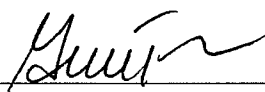
27 ///

28 ///

1 Based on the foregoing, Defendant TARGET respectfully requests that this Court accept
2 removal of this action.

3 DATED: September 10, 2007

BOORNAZIAN, JENSEN & GARTHE
A Professional Corporation

6 By: 
7 GAIL C. TRABISH, ESQ.
8 Attorneys for Defendant
9 TARGET STORES, a division of
10 Target Corporation, erroneously sued
11 herein as Target Corporation

12 GCT01\413825

SUMMONS
(CITACIÓN JUDICIAL)**NOTICE TO DEFENDANT**
(AVISO AL DEMANDADO):

TARGET CORPORATION

☒ DOES 1 TO 100**YOU ARE BEING SUED BY PLAINTIFF**
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

NORMA A. GODOY

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)FILED
JUL 10 2007
CLERK OF COURT
JUL 10 2007
CLERK OF COURT8/10/07
238
pm

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN
3501 Civic Center Drive
Post Office Box 4988
San Rafael, CA 94903

CASE NUMBER:
(Número del Caso):

CV073570

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Matthew N. White
Law Offices of Matthew N. White
1000 Fourth Street, Suite 600
San Rafael, CA 94901

CALIFORNIA STATE BAR NO.:

088336

TELEPHONE NO.:

415/453-1010

FACSIMILE NO.:

415/456-1921

DATE: JUL 30 2007
(Fecha)Clerk, by
(Secretario)Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

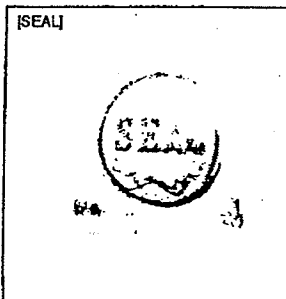
NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

- 3.
- ☒
- on behalf of (specify): TARGET CORPORATION

- under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

- 4.
- ☐
- by personal delivery on (date):

Form Adopted for Mandatory Use
Judicial Council of California
SUM-100 (Rev. January 1, 2004)**SUMMONS**Page 1 of 1
Code of Civil Procedure §§ 412.20, 485

GODOY

MacForms (509) 535-4382

422007081600756503

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EXHIBIT A

08/16/2007

PLD-PI-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Matthew N. White Law Offices of Matthew N. White 1000 Fourth Street, Suite 600 San Rafael, CA 94901 TELEPHONE NO: 415/453-1010 FAX NO. (Optional): 415/456-1921 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff		CALIFORNIA STATE BAR NO.: 088336 FOR COURT USE ONLY 08/10/2007 CLERK OF COURT SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN STREET ADDRESS: 3501 Civic Center Drive MAILING ADDRESS: Post Office Box 4988 CITY AND ZIP CODE: San Rafael, CA 94903 BRANCH NAME:		
PLAINTIFF: NORMA A. GODOY DEFENDANT: TARGET CORPORATION <input checked="" type="checkbox"/> DOES 1 TO 100		
COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Premises Liability <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):		
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		CASE NUMBER: CV073570

1. Plaintiff (name or names): **NORMA A. GODOY**
 alleges causes of action against defendant (name or names): **TARGET CORPORATION**
2. This pleading, including attachments and exhibits, consists of the following number of pages: **4**
3. Each plaintiff named above is a competent adult
- a. ☐ except plaintiff (name):
- (1) ☐ a corporation qualified to do business in California
 - (2) ☐ an unincorporated entity (describe):
 - (3) ☐ a public entity (describe):
 - (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
 - (5) ☐ other (specify):
- b. ☐ except plaintiff (name):
- (1) ☐ a corporation qualified to do business in California
 - (2) ☐ an unincorporated entity (describe):
 - (3) ☐ a public entity (describe):
 - (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
 - (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

PLD-PI-001

SHORT TITLE: GODOY, NORMA A. - Vs - TARGET CORPORATION	CASE NUMBER:
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4. ☐ Plaintiff (name):
 is doing business under the fictitious name (specify):

 and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a. ☒ except defendant (name): TARGET CORPORATION
- (1) ☐ a business organization, form unknown
 (2) ☒ a corporation
 (3) ☐ an unincorporated entity (describe):

 (4) ☐ a public entity (describe):

 (5) ☐ other (specify):
- c. ☐ except defendant (name):
- (1) ☐ a business organization, form unknown
 (2) ☐ a corporation
 (3) ☐ an unincorporated entity (describe):

 (4) ☐ a public entity (describe):

 (5) ☐ other (specify):
- b. ☐ except defendant (name):
- (1) ☐ a business organization, form unknown
 (2) ☐ a corporation
 (3) ☐ an unincorporated entity (describe):

 (4) ☐ a public entity (describe):

 (5) ☐ other (specify):
- d. ☐ except defendant (name):
- (1) ☐ a business organization, form unknown
 (2) ☐ a corporation
 (3) ☐ an unincorporated entity (describe):

 (4) ☐ a public entity (describe):

 (5) ☐ other (specify):
- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a. ☒ Doe defendants (specify Doe numbers): 1-100 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b. ☒ Doe defendants (specify Doe numbers): 1-100 are persons whose capacities are unknown to plaintiff.
7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):
8. This court is the proper court because
- a. ☐ at least one defendant now resides in its jurisdictional area.
 b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
 c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.
 d. ☐ other (specify):
9. ☐ Plaintiff is required to comply with a claims statute, and
- a. ☐ has complied with applicable claims statutes, or
 b. ☐ is excused from complying because (specify):

SHORT TITLE: GODOY, NORMA A. - Vs - TARGET CORPORATION	CASE NUMBER:
--	--------------

10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. ☐ Motor Vehicle
- b. ☐ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☒ Premises Liability
- f. ☐ Other (*specify*):

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☐ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☐ property damage
- f. ☒ loss of earning capacity
- g. ☒ other damage (*specify*):

Unknown at present.

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are
- a. ☐ listed in Attachment 12.
 - b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages

The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date: 07/26/2007

Matthew N. White

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)



PLD-PI-001(4)

SHORT TITLE: GODOY, NORMA A.
 — Vs —
 TARGET CORPORATION

CASE NUMBER:

FIRST

CAUSE OF ACTION—Premises Liability

Page 4

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff (name): NORMA A. GODOY

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date): 05/13/2007

plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury):

Plaintiff was a customer at defendant's retail store, located at 200 Vintage Way, Novato, CA. Plaintiff slipped and fell on moisture and/or other foreign substance on the floor.

Prem.L-2. ☒ **Count One—Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names):
 TARGET CORPORATION

☒ Does 1 to 100

Prem.L-3. ☐ **Count Two—Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names):

☐ Does _____ to _____Plaintiff, a recreational user, was ☐ an invited guest ☐ a paying guest.

Prem.L-4. ☐ **Count Three—Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (names):

☐ Does _____ to _____

a. ☐ The defendant public entity had ☐ actual ☐ constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.

b. ☐ The condition was created by employees of the defendant public entity.

Prem.L-5. a. ☒ **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):
 TARGET CORPORATION

☒ Does 1 to 100

b. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are ☐ described in attachment Prem.L-5.b ☐ as follows (names):

CT CORPORATION
A WoltersKluwer Company

**Service of Process
Transmittal**

08/11/2007

Log Number 512487611



*Alexis I gave copy to
Wicki*

TO: Carter Leuty
Target Corporation
1000 Nicollet Mall
Minneapolis, MN, 55403-

Gul

RE: **Process Served in California**

FOR: Target Corporation (Domestic State: MN)

*T.legal 8-16-07
GSL 8-16-07
Zee JB
00069 1876P*

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Norma A. Godoy, Plff. vs. Target Corporation, et al., Dfts.
DOCUMENT(S) SERVED: Summons, Complaint, Statement of Damages, Notice, Notice of Case Management Conference, Case Management Statement Form, Ex Parte Application, Notice Form(s), Attachment(s), Stipulation Form, Statement of Agreement or Nonagreement Form
COURT/AGENCY: Marin County, San Rafael, Superior Court, CA
Case # CV073570
NATURE OF ACTION: Personal Injury - Slip/Trip and Fall - On 05/13/2007
ON WHOM PROCESS WAS SERVED: C T Corporation System, Los Angeles, CA
DATE AND HOUR OF SERVICE: By Process Server on 08/10/2007 at 14:38
APPEARANCE OR ANSWER DUE: Within 30 days after service - file written response // 12/21/2007 at 9:00 a.m. - Case Management Conference
ATTORNEY(S) / SENDER(S): Matthew N. White
Law Offices of Matthew N. White
1000 Fourth Street
Suite 600
San Rafael, CA, 94901
415-453-1010
ACTION ITEMS: SOP Papers with Transmittal, via Fed Ex Priority Overnight, 790312396850
SIGNED: C T Corporation System
PER: Dianne Chrisman
ADDRESS: 818 West Seventh Street
Los Angeles, CA, 90017
TELEPHONE: 213-337-4615

RECEIVED ON 8/14/07 AT 12:30
VIA Fed Ex FORWARDED ON
8/14/07 AT 12:30 TO
Sodgwick BY Sue Cardon

Page 1 of 1 / NF

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of the package only, not of its contents.

EXHIBIT B

CERTIFICATE OF SERVICE
(28 U.S.C. §1746)

I am employed in the County of Alameda, State of California. I am over the age of 18 years and not a party to the within action. My business address is 555 12th Street, Suite 1800, P. O. Box 12925, Oakland, California 94604-2925.

I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. On the date indicated below, at the above-referenced business location, I sealed envelopes, enclosing a copy of the **PETITION FOR REMOVAL OF ACTION PURSUANT TO 28 U.S.C. §1441(b) [DIVERSITY]; CIVIL CASE COVER SHEET**, addressed as shown below, and placed them for collection and mailing following ordinary business practices to be deposited with the United States Postal Service on the date indicated below:

Matthew N. White, Esq.
Law Offices of Matthew N. White
1000 Fourth Street, Ste. 600
San Rafael, CA 94901
(415) 453-1010 Phone
(415) 456-1921 Fax

Attorneys for Plaintiff

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Oakland, California, on September 10, 2007.



Alexine L. Braun

GCT01\413825